

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

Emily Evans et al.,

Plaintiffs,

Civil Action No. 3:21-cv-10575

Hon. Robert H. Cleland

vs.

The City of Ann Arbor, et al.,

Defendants.

**EX PARTE MOTION OF DEFENDANTS HOWARD & HOWARD PLLC
AND BRANDON J. WILSON FOR EXTENSION OF TIME**

Defendants Howard & Howard, PLLC and Brandon J. Wilson (“Movants”), by their attorneys Brooks Wilkins Sharkey & Turco PLLC, pursuant to L.R. 7.1(g), hereby move for a brief extension of time to respond to the Complaint in this matter, and in support thereof, state as follows:

1. Plaintiffs filed a 78-page, 196-paragraph complaint against 22 Defendants. In addition to Movants, Plaintiffs have named the City of Ann Arbor, the Washtenaw County Circuit Court Judge who presided over the underlying case apparently giving rise to this action, and the Chief Judge of the Washtenaw County Circuit Court, contending inter alia that the Circuit Court Judge who presided over the underlying action and the City of Ann Arbor all conspired with Movants to rule against one of the Plaintiffs in the underlying case, rulings which were subsequently affirmed by the Michigan Court of Appeals.

2. The undersigned was retained on or about May 3, 2021 to represent Movants. Movants had signed waivers of service in mid-April, but the date of mailing of the waivers of service was – according to Plaintiffs’ attorney - March 17, 2021. Plaintiffs’ attorney has thus demanded a response to the Complaint by May 17, 2021, failing which he will enter the default of Movants.

3. Upon learning of date issues regarding the waiver of service, the undersigned contacted counsel for Plaintiffs on May 6, 2021 to request a brief extension of time for Movants to respond to the Complaint, to May 28, 2021. In addition to only being recently retained, the undersigned has a prepaid trip to see his daughter and grandchildren in California from May 11 through May 16, whom he has not been able to see for over a year due to the COVID-19 pandemic.

4. So the undersigned is not accused of misrepresenting the response of counsel for Plaintiffs, it is set forth here:

Mr. Brooks,

It was my understanding that Mr. Vanneste was representing Howard & Howard in the lawsuit, as well as Meadowlark Builders, Selby, Brandon and Meadowlark Energy, since he filed a waiver of service on their behalf. Are you representing Howard & Howard instead of Vanneste, but are not representing Meadowlark, et al.?

Ordinarily I would extend the courtesy that you request. However, given how Mr. Wilson treated Ms. Evans during her deposition, mocking and humiliating her, and then unlawfully garnishing her disability payments, I will not extend any courtesy to Mr. Wilson in this lawsuit.

The waiver of service which Mr. Wilson filed is also incorrect. The date of service of the Request for Waiver was March 17, 2021. Therefore, Mr. Wilson’s Answer to the Complaint, or a motion filed pursuant to 12(b)(1) or

12(b)(6) is due on or before May 17, 2021. If neither is filed, be advised that I will enter a default against him.

Yours truly,

Marc Susselman
Attorney at Law

5. In light of the above response, and in accord with L.R. 7.1, the undersigned sought the concurrence of counsel for Plaintiffs in this modest request.

His response is set forth here:

Mr. Brooks,

Your client extended no courtesies whatsoever to Ms. Evans. In addition to mocking and insulting her at her deposition, and then garnishing her disability payments, he proceeded to arrange to sell her home at a sheriff's sale, even though she had borrowed enough money to pay the construction lien, and then he advised his client not to accept the cashiers checks which she had to pay his client, Meadowlark Builders. She was locked out of their building and not allowed to deliver the checks. She had to contact the Washtenaw County Sheriff's Dept. for a deputy sheriff to come to Meadowlark's building to deliver the checks the day before the sheriff's sale. Then Mr. Wilson advised his client not to give her a receipt for the payment.

This is all compounded by the fact that your client suborned perjury at the trial. This is indisputable and I have the documents, referenced in the Complaint, to prove it. You are representing a thoroughly unscrupulous attorney who is a disgrace to our profession.

So, no, I will not concur in extending the date for his Answer. He had over seven weeks to retain counsel. Surely being a partner at Honigman Law he knows a lot of capable attorneys whom he could have retained sooner. Go ahead and file your motion.

Yours truly,

Marc Susselman
Attorney at Law

6. In view of the foregoing, Movants had to prepare and file this Motion, and are in need of a brief extension of time to respond to the Complaint lest Plaintiffs' counsel follow through on his threat to default them on May 18.

7. The relief requested in this Motion was sought on May 6, 2021 and not received, and hence it is necessary to bring this Motion. In accord with L.R. 7.1(g)(1)(A), a proposed Order will be contemporaneously filed with the Court via the ECF procedures for submitting proposed orders to the Court.

WHEREFORE, Howard & Howard PLLC and Brandon J. Wilson request this Court to enter the proposed Order granting them to May 28, 2021 to respond to the Complaint in this matter, and to grant such other or additional relief as the Court deems appropriate.

/s/ Keefe A. Brooks

BROOKS WILKINS SHARKEY & TURCO PLLC
401 S. Old Woodward, Suite 400
Birmingham, Michigan 48009
(248) 971-1800

*Attorney for Defendants Howard & Howard
PLLC and Brandon J. Wilson Only*

brooks@bwst-law.com

P31680

Dated: May 7, 2021

**BRIEF IN SUPPORT OF EX PARTE MOTION OF DEFENDANTS
HOWARD & HOWARD PLLC AND BRANDON J. WILSON FOR
EXTENSION OF TIME**

While it is unclear whether a supporting Brief is required for a Motion of this nature, Movants rely on the facts set forth above and the provisions of L.R. 7.1(g) which authorize the relief requested. Respectfully submitted,

/s/ Keefe A. Brooks
BROOKS WILKINS SHARKEY & TURCO PLLC
401 S. Old Woodward, Suite 400
Birmingham, Michigan 48009
(248) 971-1800
*Attorney for Defendants Howard & Howard
PLLC and Brandon J. Wilson Only*
brooks@bwst-law.com
P31680

Dated: May 7, 2021

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2021, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

/s/ Keefe A. Brooks
BROOKS WILKINS SHARKEY & TURCO PLLC
401 S. Old Woodward, Suite 400
Birmingham, Michigan 48009
(248) 971-1800
brooks@bwst-law.com
P31680